

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

L. T. TUCKER #132271,

Case No. 2:19-cv-00235

Plaintiff,

Hon. Hala Y. Jarbou
U.S. District Judge

v.

M. SKYTТА, et al.,

Defendants.

ORDER

Plaintiff state prisoner L.T. Tucker filed this lawsuit under 42 U.S.C. § 1983. This case is set for trial on July 11, 2020. Tucker moves for appointment of counsel. (ECF No. 171.) Tucker made several allegations against Defendants involving interference with his medical care and treatment, retaliation, use of force, and discrimination. Tucker asserts that counsel is necessary because this case is complex and will require “considerable discovery.”

Indigent parties in civil cases have no constitutional right to a court-appointed attorney. *Abdur-Rahman v. Michigan Dep’t of Corr.*, 65 F.3d 489, 492 (6th Cir. 1995); *Lavado v. Keohane*, 992 F.2d 601, 604-05 (6th Cir. 1993). The Court may, however, request an attorney to serve as counsel, in the Court’s discretion. *Abdur-Rahman*, 65 F.3d at 492; *Lavado*, 992 F.2d at 604-05; *Mallard v. U.S. District Court*, 490 U.S. 296 (1989).

Appointment of counsel is a privilege that is justified only in exceptional circumstances. In determining whether to exercise its discretion, the Court should consider the complexity of the issues, the procedural posture of the case, and Plaintiff's apparent ability to prosecute the action without the help of counsel. *Lavado*, 992 F.2d at 606. First, this is not a complex case and Tucker has demonstrated that he understands the facts and how to present his position to the Court. Tucker is an experienced *pro se* litigant who has proven himself as an effective litigant in this Court. Second, as to Tucker's claim that he needs assistance from counsel to obtain more discovery, the discovery period has ended. This matter is set for trial. Tucker has not shown exceptional circumstances that justify appointment of counsel in this case.

Tucker's motion for appointment of counsel (ECF No. 172) is therefore DENIED.

IT IS SO ORDERED.

Dated: March 4, 2022

/s/ Maarten Vermaat
MAARTEN VERMAAT
U. S. MAGISTRATE JUDGE